IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 13526 of 2005

Between:

Miriyala Bullemma, W/o. Late M. Venkateswara Rao,
R/o. Pydiputta Village, Addateegala Mandal, E.G. District.

..... PETITIONER

AND

1 The District Collector, East Godavary District at Kakinada.
2 The Project Officer , ITDA, Rampachodavaram, E.G. Dist.
3 The Commissioner And Director (T.W.) Govt. Of A.P. Masab Tank, Hyderabad.
4 The Regional Manager, A.P.S.R.T.C. Rajahmundry,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering my case for employment on compassionate grounds consequent on the death of my husband as illegal arbitrary and unjust and consequently direct the respondents 1 and 2 provide employment in any of the departments in the tribal area of E. G. District under their control taking in to consideration of my social status and also in view of the letter of the 3rd respondent dated 14-3-2005.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: MS.B.G.UMA DEVI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents in not considering her case for appointment on compassionate grounds consequent to the death of her husband as illegal and unjust, and consequently sought for a direction to the respondents 1 and 2 to provide employment in any department in tribal area of East Godavari District.

It is stated that the petitioner's husband while working as a Casual Conductor at Gokavaram Depot, A.P.S.R.T.C., suddenly died on 12.09.2003. As the petitioner passed SSC and also got her name registered in the Employment Exchange, she approached the fourth respondent seeking appointment on compassionate grounds. Then, the fourth respondent intimated the petitioner that the dependants of the casual employees are not eligible for appointment on compassionate grounds and that she can avail monetary benefit from the Corporation. Thereafter, the petitioner made a representation on 31.12.2004 to the first respondent and the first respondent in turn addressed a letter dated 04.02.2005 to the fourth respondent to examine the petitioner's case for appointment on compassionate grounds. However, according to the petitioner, the fourth respondent did not take any action. Therefore, the petitioner has come up with

the present writ petition.

At the time of hearing, it is also contended that the second respondent is sub-ordinate officer to the third respondent and as there was a direction by the third respondent to the second respondent, he is obligated to pass orders providing employment to the petitioner. Therefore, the second respondent may be directed to pass orders on the representation of the petitioner for providing employment on compassionate grounds.

Heard both sides.

Admittedly, the petitioner's husband died while he was working as a causal employee. As it is stated by the learned Standing Counsel that where a casual employee dies while in service, the dependants are not entitled for appointment on compassionate grounds and further, as there is no Rule or Regulation under which the petitioner can claim the benefit of appointment on compassionate grounds, this Court cannot issue any directions to any of the respondents. As the third respondent has directed the second respondent to consider the case of the petitioner for appointment, it is for the second respondent to pass appropriate orders and this Court cannot direct the second respondent to provide employment to the petitioner.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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24.06.2005

VGB

To

1 The District Collector, East Godavary District at Kakinada.
2 The Project Officer , ITDA, Rampachodavaram, E.G. Dist.
3 The Commissioner And Director (T.W.) Govt. Of A.P. Masab Tank, Hyderabad.
4 The Regional Manager, A.P.S.R.T.C., Rajahmundry,

5 2CCs to the Government Pleader for Social Welfare, High Court Buildings,

Hyderabad (OUT).

6 1 CC to Mr.K.Venkatesh

7 2CD copies.